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C O N F I D E N T I A L SECTION 01 OF 03 GENEVA 002170

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IO FOR DAS LAGON, DRL FOR DAS BARKS-RUGGLES

E.O. 12958: DECL: 09/03/2016

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SUBJECT: HUMAN RIGHTS COUNCIL PRESIDENT DISCUSSES ISRAEL'S
LACK OF RESPONSE AND PLANS FOR THE COUNCIL

REF: A. GENEVA 2030 B. GENEVA 1954 C. GENEVA 1675 D.
GENEVA 1673

Classified By: PolCouns Velia M. De Pirro. For Reason: E.O. 12958, 1.4
(d)

Summary

1. (C) In an open and friendly meeting August 31 with DRL DAS Erica Barks-Ruggles, Mexican Permanent Representative and Human Rights Council (HRC) President Luis Alfonso de Alba explained his interactions with the Israeli and Lebanese missions in the aftermath of three resolutions calling for investigation into Israeli actions in the Middle East. He focused attention on Israel's failure to respond to his overtures. De Alba briefly outlined proposals for managing the next regular session of the HRC (Sept. 18 - Oct. 6), calling for more strategic thinking as decisions are made which will affect the long-term prospects of the Council, e.g. mandate review, Universal Periodic Review (UPR), and working methods of the HRC. DAS Barks-Ruggles highlighted U.S. intentions to remain engaged in the Council and efforts to build a strong, efficient body. She warned that continued focus on Israel bashing and lack of proof that the Council could and would deal with serious human rights situations elsewhere, would weigh heavily in a U.S. decision on whether or not to run for election to the Council next year. End Summary.

Israel at the Human Rights Council

2. (C) De Alba said he tried to avoid one-sided anti-Israeli resolutions in the first regular session of the Council and the two subsequent special sessions (refs). His efforts failed, however, due to states' unwillingness to negotiate and Israel's failure to reply to any of his communications. De Alba lauded, however, the Swiss attempt to amend the anti-Israel resolution during the first regular session. He believes that the amendments opened the way for a visit to the OPT as well as southern Israel by a group of special rapporteurs, not just Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967 John Dugard, with whom Israel has an extremely contentious relationship. Faced by Israel's non-response to his contacts (letters and calls with the Israeli PermRep in Geneva) as he tried to organize the rapporteurs' visit, de Alba offered to try to keep Dugard from taking part in the visit. He never received a response. Almost simultaneously, the situation in Gaza resulted in a

call by members of the Organization of the Islamic Conference, (OIC) for a special session to address Israeli actions there. According to de Alba, the lack of response by Israel on the resolution from the first special session hindered his ability to convince the sponsors of the second special session and the resolution on Lebanon that Israel was willing to cooperate and should be offered the opportunity to work with the Council. He has yet to receive a response from Israel to his efforts to organize the investigative mission called for in the Gaza resolution. (This is confusing) I thought that the Israeli non-cooperation was on the call by the first special session for an investigation team, and that the Israeli lack of response fed into the Second Special Session) on Lebanon. I made the change and then realized I could be wrog. But the sequencing n this otherwise does not make sense to me.)

¶3. (C) De Alba stressed that in view of Israel's unwillingness to cooperate with him and the Council, it was impossible for him to stop the call for a second special session when Israel attacked Lebanon in response to Hezbollah's provocation. De Alba said that it was important to put pressure on Israel to answer his requests, and noted that for the credibility of the Council it was important for the United States and the United Kingdom to support implementation of all resolutions, even if we opposed them. De Alba added that he is working with the Lebanese PermRep in Geneva to arrange for the visit of the investigative mission to Lebanon mandated by the resolution of the second special session. He recounted the difficulty in putting together a mission of highly respected and recognized international figures, including Lebanon's rejection of Costa Rican jurist Sonia Picado because Costa Rica's embassy was in Jerusalem

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not Tel Aviv. (Note: A case of lack of information, since Costa Rica had moved its embassy to Tel Aviv, a move applauded in an OIC press release circulated to Geneva missions September 1). Septel will be sent regarding final agreement on the membership of the mission.

Improving The Council's Credibility

¶4. (C) DAS Barks-Ruggles reiterated the U.S. commitment to work with the Council in an effort to create an effective body to promote and protect human rights. She pointed to her visit to Geneva and the work of the U.S. Mission. Barks-Ruggles warned, however, that if the Council continued to focus exclusively on Israel in an unbalanced and unhelpful way, it would be difficult to make the case that the HRC was any better than the Commission had been or an entity the United States should join. Grave human rights situations in North Korea (DPRK), Burma, and Sudan/Darfur, to name a few, were being ignored. Barks-Ruggles said the HRC needed to take up cases like these to prove its credibility. She stressed that the United States saw condemnatory country resolutions as a key tool for the Council. While the enticements of technical assistance, dialogue and cooperation would serve to get some countries to cooperate with the Council, certain hardcore violators, such as DPRK and Burma, only focused when threatened by a condemnatory resolution.

¶5. (C) Regretting the U.S. absence from the Council, de Alba said that to ensure that the Council dealt with other difficult situations countries needed to work together. He was pessimistic regarding the EU's ability to work effectively, noting that serious divisions ("they have huge fights") result in a lowest-common-denominator approach that weakens them in the Council. The Latin American and Caribbean Group (GRULAC) is also divided, with Brazil pressuring Argentina, Uruguay, Peru and Ecuador to follow its lead. Only Guatemala appears prepared to act independently and on principle, although Chile remains influential even though not on the Council and should be approached as well. Nonetheless, de Alba said he has spoken to High Commissioner

for Human Rights Louise Arbour and British Ambassador Nick Thorne regarding Sudan/Darfur. (Septel reports on Amb. Thorne's views.)

Plans for Next Session

¶6. (U) De Alba called for a balanced, short and flexible agenda for the Council, one more coherent than the agenda of the Commission on Human Rights (CHR). For now, he said it would be best if resolutions were not presented at the September session of the Council. The HRC is expected to deal with over one hundred reports (closer to 190) from the special procedures -- special rapporteurs, independent experts, and working groups. Rather than have each dealt with via a resolution, de Alba proposed either a President's statement or one omnibus resolution focusing on one action item or recommendation from each of the reports. Alternatively, he was also considering bundling reporting on reports by theme. Barks-Ruggles noted the danger of this approach in putting all the country-specific rapporteurs together and urged de Alba to consider review by alphabet) while arbitrary, it would be seen as fair and help protect the country-specific rapporteurs. De Alba stressed that any omnibus statement or bundling of statements would in no way diminish the standing of the special procedures since each mandate holder would participate in an hour-long inter-active dialogue with Council members, observers, and NGO's. (Note: Septel reporting on September 1 informals expands the proposal and includes some reactions to it. End note) De Alba noted that the report of the Sub-Commission on Human Rights would not be part of this proposal. He admitted that the Sub-Commission in its just-concluded session had exceeded its mandate by adopting resolutions that sought to extend its mandate and commit to actions with budgetary implications. (Note: Mission Geneva provided de Alba with a copy of the letter from U.S. Sub-Commission member David Rivkin objecting to the Sub-Commission's actions. End note.) He added that the confidential complaints mechanism of the Sub-Commission (1503's), was not particularly useful in its present form. It should be taken over by the Council, but a better way of filtering complaints needed to be developed.

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¶7. (U) Although reports from the working groups on mandate review and Universal Periodic Review (UPR) are included in the program of work for the next session, de Alba said the substantive reports and work on them will begin in earnest in January/February. For UPR, the Mexican government is proposing the creation of a standing body of experts, appointed by governments, whose expenses would be covered by the states, to review states' records and make recommendations to the plenary. He derided the idea that states could conduct an honest "peer" review, saying it would be "protocolary" at best. Barks-Ruggles presented USG,s suggested structure and noted the problems of including experts in the review.

Lack of Support and Request for Help

¶8. (SBU) De Alba spent time noting the difficulties of presiding over the newly established Human Rights Council. He complained that he was not receiving the support he had expected from foreign delegations in Geneva or from the Council's Secretariat, which is staffed and supported by the Office of the High Commissioner for Human Rights (OHCHR). Although OHCHR supported the Commission for years, the new and evolving structures of the Council appear to be more than the Secretariat could handle. To address this gap, de Alba has moved to establish a Secretariat for the HRC presidency to be staffed by diplomats detailed from UN states. Switzerland has already detailed one officer, previously assigned to the Swiss Mission in Geneva. De Alba has asked the Mexican government to do the same. He asked whether the

United States would be willing to either fund a third country diplomat and/or detail someone to work with him.

Comment

19. (C) De Alba was in an expansive and talkative mood, witness his blunt criticism of divisions within the EU and GRULAC. His admission that he was disappointed by the lack of support from delegations and OHCHR was also unusual. Both could, at least in part, be reflections of how much he has riding on this first year of the Council -- his personal ambition, higher aspirations in the Secretariat of Foreign Relations, as well as Mexico's image in the world stage. End comment.

This cable has been cleared by DRL/DAS Erica Barks-Ruggles.
TICHENOR